

Reference Number:

Dispatch Number: 518330

Dispatch Date: July 27, 2010

NOTICE OF REASONS FOR REJECTION

Patent Application No.: P2006-535910

Drafting Date: July 15, 2010

Examiner of JPO: SAKAZAKI Emiko 9451 4H00

Representative: YAMADA Koichi, *et al.*

Applied Provisions: Article 29(2)

This application should be rejected for the reasons stated below. If the applicant has any argument against the reasons, such argument should be submitted within 3 months from the date on which this notice was dispatched.

Reasons

(1) The invention(s) claimed in claim(s) listed below of the application should not be granted a patent under the provision of Patent Law Article 29(2) since it could have easily been made by those having ordinary knowledge in the technical field to which the invention(s) belongs, on the basis of the invention(s) described in the publication(s) listed below which was distributed in Japan or foreign countries prior to the filing of the application or the invention(s) which was available to the public through a telecommunication line prior to the filing of the application.

Note (refer to List of References)

- Reason 1
- Claims 1-26
- References 1-5
- Remarks

Cited reference 1 describes a method for inhibition or removal of biofilm accumulating on the surface that is in contact with a water system, and the method is characterized by adding an enzyme composition essentially composed of proatease in a dosage effective for inhibition and removal of biofilm that accumulates into this system, and that biocides, surfactants, and carbohydrase, etc., are added ([Scope of Claims]).

Here, the invention described in Cited reference 1 and the invention according to Claim 1 differ in the points that while the invention of Claim 1 includes "excipient" and "enzyme preserving means," it is unclear whether the invention described in Cited reference 1 includes them, and that while the invention of Claim 1 specifies the concentration of "biocides" as "at least 500 ppm," the invention described in Cited reference 1 specifies "the dosage of proatease" as "between 0.0001 u/mL and 100 u/mL."

However, it is a usual practice to solidify medical agent when inhibiting or removing biofilm, which is a so-called slime, and in doing so, it is well known to use polyvinyl alcohol, etc. as excipient (for example, see Cited references 2 to 3, etc.). It is also a well-known art to add boron compound in a composition, which includes an enzyme, in order to stabilize the enzyme (for example, see Cited references 4 to 5). Furthermore, selecting the most suitable component to constitute a composition, and selecting the most preferable additive amount of the component as well could have been easily carried out by a person skilled in the art (for example, see Cited references 4 and 5).

Therefore, each invention according to Claims 1-26 could easily have been invented based on the invention described in Cited reference 1 and matters described in Cited references 2-5.

It also cannot be acknowledged that a significant effect would be achieved by employing these matters defining the invention.

List of References

1. JP 06-262165 A
2. JP 2003-119862 A
3. JP 2000-144840 A
4. JP 11-505565 T
5. WO 96/21499

Record of Results of Prior Art Search

- Technical Fields Searched:

IPC A01N25/12, 25/22, 25/30, C02F1/50
 DB name CA/WPIDS/MEDLINE/BIOSIS (STN)

- Prior Art Documents:

JP 2005-531397 T
 JP 59-225103 A
 US 5395530
 US 5324432
 JP 08-508770 T

This record is not a component of the reasons for rejection.

Any inquiry concerning the contents of this Notice of Reasons for Rejection should be directed to:

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